

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
November 16, 2005**

I. Call to Order

Chairman Cashman called the meeting to order at 10:30 A.M. Commissioners Mendoza, Cleary, Jenkins and Brett were present. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Powers and Ms. Andrews, Ms. Kulmacz, Ms. Haqq, Ms. Adams and Ms. Blackburn.

II. Approval of the Minutes of the October 12, 2005 Regular Meeting

It was moved by Commissioner Cleary and seconded by Commission Jenkins to approve the minutes of the October 12, 2005 regular meeting. So voted.

Mr. Garfield respectfully requested that the Commission add to today's agenda under Item IV, a referral by the New Canaan Town Clerk, File No. 2005-287 CNF.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary that File No. 2005-287 be added to the agenda. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Arthur L. Perry, New Britain
File No. 2005-176
Proposed Consent Agreements and Orders
Respondents: Jennie Rose Parker, Peter Mlynarczyk &
Vincent Nolan
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced matter.

Attorney Andrews summarized the investigation and the proposed Consent Agreements and Orders signed by the Respondents. Respondent Parker has paid the civil penalty of \$1500. Respondent Mlynarczyk has paid the civil penalty of \$100 and has forfeited \$75 from the Stewart for Mayor 2005 Committee to the State of Connecticut. Respondent Nolan has been ordered to cause the amount of \$4,825 to be forfeited from GOP-5 to the State of

Connecticut within sixty days of the adoption of this agreement by the Commission.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Consent Agreements and Orders in File No. 2005-176. So voted. A copy of the Consent Agreements and Order are attached and incorporated herein as part of these minutes.

2. In the Matter of a Complaint by Gene F. Sullivan, West Haven
File No. 2005-177

Proposed Findings and Conclusions

Investigator: Attorney Marc W. Crayton

Managing Attorney: Albert P. Lenge

Mr. Lenge explained above referenced complaint and the proposed Findings and Conclusions recommending that the matter be dismissed.

It was moved by Commissioner Mendoza and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2005-177 dismissing the matter for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Daniel Parlato, Bethlehem
File No. 2005-258

Proposed Findings and Conclusions

Investigators: Attorney Marc W. Crayton and
Dara M. Haqq, Associate Accounts Examiner

Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Findings and Conclusions recommending that the matter be dismissed. He noted that Ms. Haqq assisted Attorney Crayton with this investigation.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2005-258 dismissing the matter for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

4. In the Matter of a Complaint by Jesse Haskell, Coventry
File No. 2005-264

Proposed Findings and Conclusions

Investigator: Attorney Marc W. Crayton

Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained above referenced complaint and the proposed Findings and Conclusions recommending that the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2005-264 dismissing the matter for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

5. In the Matter of a Complaint by Michael Downes, North Branford
File No. 2005-275
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained above referenced complaint and the proposed Findings and Conclusions recommending that the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2005-274 dismissing the matter for the reasons stated. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

B. *Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4)*

It was moved by Commissioner Jenkins and seconded by Commissioner Brett at 10:55 a.m. to proceed into executive Session pursuant to C.G.S. 1-200(6) and (E) and 1-210(b)(3) and (4) to discuss strategy and negotiations with respect to pending claims listed as Items 6 through 17 on the agenda. So voted. Present were Commissioners Cashman, Mendoza, Cleary, Jenkins and Brett. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Powers, Ms. Andrews, Ms. Kulmacz, Ms. Haqq, Ms. Adams and Ms. Blackburn. Commissioner Mendoza left the meeting at 11:35 a.m.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to return to public session at 12:30 A.M.

6. In Re: Duplicate Voters by Presidential Ballot, SEEC Initiated
File No. 2005-145
Investigators: Attorney Joan M. Andrews &
Attorney William Smith
Managing Attorney: Albert P. Lenge

The complaint is continued.

7. Referral by the Registrar of Voters, South Windsor
File No. 2005-175
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield
It was moved by Commissioner Cleary and seconded by
Commissioner Brett to take no further action with regard to File No.
2005-175. So voted.

8. In the Matter of a Complaint by Eneida Martinez, Bridgeport
File No. 2005-254
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

This matter is continued.

9. In the Matter of a Complaint by Jaime Vargas, New Haven
File No. 2005-255
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

This matter is continued.

10. In the Matter of a Complaint by Rose Santana, New Haven
File No. 2005-257
Investigator: Attorney Joan M. Andrews
Managing Attorney: Albert P. Lenge

This matter is continued.

11. In the Matter of a Complaint by Kenny Curran, Bethlehem
File No. 2005-259
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

This matter is continued.

12. In the Matter of a Complaint by Steve Smock, Baltic (Sprague)
File No. 2005-261
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

This matter is continued.

13. In Re: Destefano for Connecticut
File No. 2005-265
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Commissioner Cleary recused herself from the discussion of File No. 2005-265 in Executive Session and left the meeting during this discussion.

This matter is continued.

14. In the Matter of a Complaint by Carole A. Dmytryshak, Salisbury
File No. 2005-269
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

This matter is continued.

15. In the Matter of a Complaint by Daniel Pullium, Torrington
File No. 2005-273
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

This matter is continued.

16. In the Matter of a Complaint by Daniel M. McCabe, Stamford
File No. 2005-274
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

This matter is continued.

17. In the Matter of a Complaint by Susan Kniep, East Hartford
File No. 2005-276
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

This matter is continued.

IV. Find Reason to Believe Recommendations & Designation of Hearing Officer

Referrals by the Office of the Secretary of the State

File No. 2005-182L
Respondent: Rodney Bownds, Lobbyist
Investigator: Paige Adams, Paralegal II
Managing Attorney: Jeffrey B. Garfield
Recommendation: Find Reason to believe that Respondent
Rodney Rownds violated §9-333l(g) and
§9-333y of the Connecticut General Statutes

File No. 2005-208L

Respondent: Joseph Luppino, Lobbyist
Investigator: Paige Adams, Paralegal II
Managing Attorney: Albert P. Lenge
Recommendation: Find Reason to believe that Respondent Joseph Luppino violated §9-333l(g) and §9-333y of the Connecticut General Statutes

It was moved by Commissioner Jenkins and seconded by Commissioner Brett that the Commission find reason to believe that the Respondents in File Nos. 2005-182L and 2005-208L violated §§9-333l(g) and 9-333y of the Connecticut General Statutes and that a hearing officer be designated for the purpose of conducting hearings for these matters. So voted.

Chairman Cashman designated Mr. Lenge to be Hearing Officer for File No. 2005-182L and Mr. Garfield to be Hearing Officer for File No. 2005-208L at a date and time to be determined.

File No. 2005-287CNF

Respondent: Judy A. Neville
Investigator: William Powers
Managing Attorney: Jeffrey B. Garfield
Recommendation: Find Reason to believe that Respondent Judy A. Neville violated §9-333d, §9-333f and §9-333y of the Connecticut General Statutes.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett that the Commission find reason to believe that Respondent Judy A. Neville violated §9-333d, §9-333f and §9-333y of the Connecticut General Statutes and that a hearing officer be designated for the purpose of conducting a hearing for this matter. So voted.

Chairman Cashman asked for a volunteer to be hearing officer and Commissioner Cleary volunteered.

Chairman Cashman designed Commissioner Cleary to be Hearing Officer for File No. 2005-287CNF at a date and time to be determined.

V. *Referrals by the Office of the Secretary of the State*

A. *Non-Filer Compliance*

Referral by the Office of the Secretary of the State
File No. 2005-233NF
Litchfield Democratic Town Committee
Respondent: Joseph Frascarelli, Treasurer
Compliance with CGS §§ 9-333j and 9-333y
Recommendation: Commission take administrative notice of compliance with the statute indicated, and accept as full settlement the payment of \$100 to the State of Connecticut, and will take no further action with respect to this matter.

Referral by the Office of the Secretary of the State
File No. 2005-234NF
New Canaan Republican Town Committee
Respondent: Gordon Lee Jones, III, Treasurer
Compliance with CGS §§ 9-333j and 9-333y
Recommendation: Commission take administrative notice of compliance with the statute indicated, and accept as full settlement the payment of \$500 from Respondent Gordon Lee Jones to the State of Connecticut, and will take no further action with respect to this matter

Referral by the Office of the Secretary of the State
File No. 2005-235NF
North Branford Democratic Town committee
Respondent: Mary Hart, Treasurer
Compliance with CGS §§ 9-333j and 9-333y
Recommendation: Commission take administrative notice of compliance with the statute indicated, and accept as full settlement the payment of \$200 from Respondent Mary Hart to the State of Connecticut, and will take no further action with respect to this matter

Referral by the Office of the Secretary of the State
File No. 2005-237NF
Working Families Campaign Committee
Respondent: Dennis O'Neil, Treasurer
Compliance with CGS §§ 9-333j and 9-333y
Recommendation: Commission take administrative notice of compliance with the statute indicated, and accept as full settlement the payment of \$375 from Respondent Dennis O'Neil to the State of Connecticut, and will take no further action with respect to this matter

It was moved by Commissioner Jenkins and seconded by Commissioner Brett that with respect to the non filers referenced above, because the Respondents have complied by filing reports and paying the civil penalties noted, that the Commission takes administrative notice of their compliance with the statutes indicated, and will take no further action with respect to these matters. So voted.

Commissioner Cleary left the meeting at 12:27 p.m.

Following a short recess, the Commission returned to the meeting.

VI. Discussion of Possible Legislative Recommendations

Mr. Garfield thanked staff for their suggestions concerning possible legislative changes to the election laws. He suggested that the Commission try to deal with the more technical issues in the next session. Mr. Garfield stated that his memo dated November 8, 2005 outlines suggestions for the Commission to consider. Campaign finance reform will be next on the agenda in the special session and he recommended that if the bill does not pass, the Commission should not submit our own proposal. If it does pass and is signed by the Governor, time should be spent analyzing the bill and making technical recommendations for revisions if necessary.

Mr. Garfield summarized the suggestions in his memo which included technical changes to election laws and campaign finance laws. Following the Commission's discussion, It was moved by Commissioner Jenkins and seconded by Commissioner Brett to authorize staff to draft proposals for the Commission to consider for the next session. So voted.

Before moving to the next executive session, Mr. Garfield called the Commission's attention to an article that appeared in the Hartford Courant on November 11, 2005 regarding absentee voting. It deals with the new absentee ballot law and takes issue with it. The article written by Rep. Janowski does not represent the views of the Commission and is erroneous on several issues. A response has been prepared for the Commission's review and was discussed. Chairman Cashman stated he agrees with the content of the response, and has a few small changes before submitting it to the editor of the newspaper. The Commission agreed the response, as revised, should be submitted for publication.

VII. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4) Pending Claims and Litigation

It was moved by Commissioner Jenkins and seconded by Commissioner Brett at 12:55 p.m. to proceed into executive Session pursuant to C.G.S. 1-200(6) and (E) and 1-210(b)(3) and (4) to discuss pending claims and Litigation So voted. Present were Commissioners Cashman, Jenkins and Brett. Staff members present were Messrs. Garfield, Lenge, Smith.

Crayton, Ly, Powers, Ms. Andrews, Ms. Kulmacz, Ms. Haqq, Ms. Adams and Ms. Blackburn.

- A. *U.S. v. Ernest E. Newton II*
- B. *Other*

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to return to public session at 1:25 p.m. So voted.

VIII. Adjournment

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adjourn the meeting at 1:30 p.m. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting is scheduled for Wednesday, December 21, 2005 at 9:00 a.m. There will be a holiday celebration following this meeting.

Respectfully submitted

Lois E. Blackburn
Clerk of the Commission